



return receipt requested.

8. No response being received from the letter, Plaintiff emailed their vice-president of compliance, Mavis Pye.

9. Plaintiff continued to call Defendant in an attempt to reach someone with authority to resolve the dispute.

10. Plaintiff was finally able to reach a supervisor by telephone, who listened to the tape of the conversation, agreed that the proper disclosures had not been made, apologized and stated she would speak to the collector involved.

11. Plaintiff took no further action regarding the matter until she learned the false debt was being reported by the Defendant on her credit report.

12. Plaintiff sent a second letter to the Defendant, directed to Mavis Pye.

13. Defendant's response was that she would remove it from Plaintiff's credit report.

14. Plaintiff disputed the inaccurate debt with each of the three credit reporting agencies. Upon information and belief, Defendant verified the debt.

15. As of the filing of this Complaint, the debt remains on Plaintiff's credit report. Plaintiff's employment is dependent upon maintaining a clear credit record.

16. Further calls and emails have not resulted in the correction of Defendant's violations.

17. Despite the written dispute, the inaccurate debt continues to be reported on Plaintiff's credit report.

18. Defendant refused to delete the account from Plaintiff's credit report.

19. The debt was not reported to the credit reporting agencies until after Mavis Pye acknowledged that the debt was paid prior to being placed for collection. Prior to that time, there was no report of this alleged debt on Plaintiff's credit report. Defendant placed it on the credit report with knowledge that it was a false report.

## **CAUSES OF ACTION**

### **COUNT I**

21. Plaintiff re-alleges and incorporates paragraphs 1 through 19 above as if fully set out herein.

22. Diversified Consultants, Inc. (" hereafter "DCI") violated the Fair Credit Reporting Act, 15 U.S.C. §1681s-2(b) by publishing the DCI representation within Plaintiff's credit file with one or more credit reporting agencies, by failing to fully and properly investigate the Plaintiff's dispute of the DCI representation; by failing to review all relevant information regarding same; by failing to correctly report results of an accurate investigation to each credit reporting agency; and by failing to permanently and lawfully correct its own internal records to prevent the re-reporting of the DCI representations to the consumer reporting agencies.

23. As a result of this conduct, action and inaction of DCI the Plaintiff suffered damage by loss of credit, loss of the ability to purchase and benefit from credit, the mental and emotional pain and anguish and the humiliation and embarrassment of credit denials and the potential loss of employment.

24. DCI's conduct, action and inaction was willful, rendering it liable for actual or statutory and punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n. In the alternative, it was negligent, entitling the Plaintiff to recover actual damages under 15 U.S.C. §1681o.

25. The Plaintiff is entitled to recover costs and attorney fees from Credigy in an amount to be determined by the Court pursuant to 15 U.S.C. §1681n and §1681o.

### **COUNT II**

26. Defendant Credigy is a debt collector as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(6).

27. The conduct described above constitutes clear violations of the Fair Debt Collection

Practices Act, 15 U.S.C. §1692 et seq and 1692e, by failing to set forth, in its written communications with Plaintiff, the statements and notices required 15 U.S.C. §1692g(a)(1)-(5).

28. Defendant DCI has violated 15 U.S.C. §1692g(a) by failing to, within 5 days of its initial communication with the debtor (phone call) send Plaintiff a written notice setting forth the requirements of 15 U.S.C. §1692g(1)-(5).

29. Defendant has violated 15 U.S.C. §1692e(2)(A) by falsely representing that Defendant owes the alleged debt..

30. Defendant has violated 15 U.S.C. §1692c(a)(3) by calling at a place of employment after being told calls were not allowed.

31. Defendant has violated 15 U.S.C. §1692d(6) by placing calls without disclosing his identity.

32. Defendant has violated 15 U.S.C. §1692e(8) by communicating known false information to a credit reporting agency and did not note the debt was disputed.

33. Defendant's actions outlined above were undertaken wilfully with the deliberate intention of inflicting injury upon Plaintiff and with knowledge of the probable results of its actions. In the alternative, Defendant's actions constituted reckless and heedless disregard of Plaintiff's rights, welfare, and personal well being and resulted from the conscious indifference of Defendant to Plaintiff's rights, welfare and safety.

### COUNT III

34. Plaintiff re-alleges and incorporates paragraphs 1 through 32 above.

35. The foregoing acts violate Tex. Fin. Code §392.202 by failing to correct their reporting to a credit bureau after knowing the report is inaccurate.

36. Defendant also violated §392.304(5) by failing to disclose a communication was from a debt collector

37. The foregoing acts and omissions were undertaken on behalf of the Defendant by its

respective officers, agents, or employees acting at all times relevant hereto within the scope of that relationship.

38. The foregoing acts and omissions of the Defendants were undertaken wilfully, intentionally, knowingly, and/or in gross disregard of the rights of the Plaintiff.

39. The foregoing acts and omissions of the Defendant were undertaken indiscriminately and persistently, as part of its regular and routine collection efforts, and without regard to or consideration or the identity of rights of the Plaintiff.

40. By reason of the allegations in this petition, the Texas Debt Collection Practices Act and Fair Debt Collection Practices Act, , Plaintiff is entitled to recover attorney's fees in a sum that is reasonable in relation to the amount of work expended for which Plaintiff sues herein. The attorney whose name is subscribed to this pleading has been employed to assist Plaintiff in the prosecution of this action.

**Prayer for Relief**

WHEREFORE, the Plaintiff prays that this Court:

1. Enter judgment in favor of Plaintiff and against Defendant for statutory damages, actual damages, costs, and reasonable attorney fees as provided by 15 U.S.C. §1681n & o, 15 U.S.C. §1692k(a) and/or Tex. Fin. Code Ann. §392.403.
2. Grant such further relief as deemed just.
3. Pre and post-judgment interest as allowed by law.

**TRIAL BY JURY IS DEMANDED.**

Respectfully submitted,



Sharon K. Campbell  
State Bar # 03717600  
3500 Oak Lawn Ave., Suite 500  
Dallas, Texas 75206  
Telephone: 214/351-3260  
Fax: 214/443-6055  
Sharon@SharonKCampbell.com

**CIVIL COVER SHEET**

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Saundra Burrus

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

Diversified Consultants, Inc.

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorney (If Known)

**3-13CV3217-L****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. 1692k and 15 U.S.C. 1681

Brief description of cause:

Reporting a known false debt on credit report

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S)****PENDING OR CLOSED:**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

8-15-13

SIGNATURE OF ATTORNEY OF RECORD

Sharon Campbell

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE